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AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES
DISTRICT COURT

for the
District of
Minnesota

UNITED STATES OF AMERICA

v.

THOMAS MANUEL HERNANDEZ,

Case No.

13-mj-677 (JJG)

CRIMINAL COMPLAINT

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about October 7, 2013, in Pine County, in the State and District of Minnesota, defendant(s)

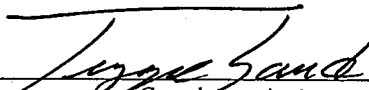
unlawfully, willingly, and knowingly possessed with the intent to distribute a mixture or substance containing a detectable amount of methamphetamine

in violation of Title 21, United States Code, Section(s) 841(a)(1), 841(b)(1)(C).

I further state that I am a(n) DEA Task Force Officer and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No


Complainant's signature

TRYGVE SAND, DEA Task Force Officer
Printed name and title

Sworn to before me and signed in my presence.

Date:

10/8/13

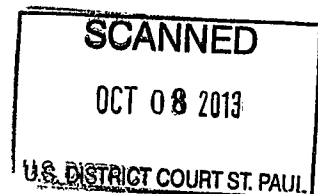


Judge's signature

The Honorable Jeanne J. Graham

Printed name and title

City and state: St. Paul, MN



13-MJ-677 (JJG)

STATE OF MINNESOTA)
) ss. AFFIDAVIT OF TFO TRYGVE SAND
COUNTY OF RAMSEY)

1. Your affiant is a St. Paul Police Officer who is currently assigned as a Task Force Officer (TFO) with the Drug Enforcement Administration (DEA), Minneapolis, Minnesota. I have been employed as a law enforcement officer for 14 years. My assignments have included seven years of narcotics and street crime investigations. I have been involved in numerous narcotics, weapons, stolen property, and assault investigations involving narcotics dealers both as case agent and co-case agent. I have received numerous hours of training to include the investigation of narcotic violations, identification of sources of supply, co-conspirators, couriers, and methods of distribution. I have been assigned and trained as a K-9 narcotics detection handler. I have had undercover assignments and spent numerous hours in an undercover capacity purchasing street level narcotics from drug dealers as an Officer with the Narcotics/Vice Response Team (NVRT). Moreover, during my law enforcement career I have conducted numerous investigations into the unlawful possession of controlled substances, narcotics trafficking, crimes of violence against persons, and associated conspiracies.

2. This Affidavit is submitted in support of a Complaint against Thomas Manuel HERNANDEZ ("HERNANDEZ") charging him with possession with intent to distribute methamphetamine, in violation of 21 United States Code Sections 841(a)(1) and 841(b)(1)(C). The facts set forth herein are based on my personal observations, my review of police reports, as well as conversations I have had with other law enforcement

personnel. The facts set forth herein do not include the complete facts related to this investigation, just those facts necessary to support probable cause for purposes of the Complaint.

3. HERNANDEZ is a convicted felon with multiple arrests for firearms, drug offenses, and other criminal offenses since at least 1999. His convictions include, but are not limited to, felon in possession of a firearm (Ramsey County, Minn. – 2008), felony domestic abuse (Ramsey County, Minn. – 2007), third degree possession of a controlled substance (Pine County, Minn. – 2003), as well as several other crimes involving drugs, weapons, and/or domestic abuse. On June 7, 2013, HERNANDEZ was arrested in St. Paul, Minnesota, after he was suspected to be in possession of 84 grams or more of a mixture and substance containing methamphetamine as well as a Sterling .25 caliber handgun and a Colt .38 caliber handgun. However, HERNANDEZ was released pending future potential charges.

4. On October 7, 2013, HERNANDEZ was driving his black 2003 Lincoln LS, Minnesota license plate number 172JKP, in Hinckley, Minnesota. A Minnesota State Trooper stopped HERNANDEZ for a traffic violation after observing HERNANDEZ fail to activate a turn signal. HERNANDEZ was the sole occupant of the vehicle, and presented a Minnesota license in his name as well as an insurance card indicating coverage of the black 2003 Lincoln. The Trooper generated a warning for the traffic violation.

5. During the course of the stop and conversation with HERNANDEZ, the Trooper came to suspect that HERNANDEZ may be trafficking controlled substances. This included but was not limited to the fact that HERNANDEZ: provided an illogical travel

story; had multiple cell phones; and appeared to be overly polite, including purposefully instigating what appeared to be attempts at distracting small talk. Meanwhile, during the stop the Trooper learned of HERNANDEZ's significant criminal history, including his past drug and firearm offenses. Furthermore, the Trooper observed an overwhelming odor of cologne emanating from inside the black 2003 Lincoln. The Trooper confronted HERNANDEZ regarding these circumstances. HERNANDEZ broke eye contact and laughed nervously.

6. Given these facts, the Trooper deployed his nationally-certified (USPCA) canine partner. After his partner alerted on the exterior of the black 2003 Lincoln, the Trooper allowed the canine into the interior of the vehicle. The canine alerted in the front of the vehicle and continued to sniff up from the floor and toward the dash board. The Trooper put his canine partner away and performed a hand search of the indicated and suspect area. The Trooper observed that several interior panels were loose, contained tool marks, and some areas were held together with tape. The Trooper also observed that some of the interior panels were loose fitting and/or broken from being removed and replaced, and that the carpet in the front of the vehicle could easily be pulled away.

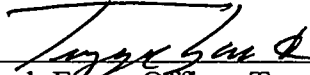
7. While searching the area in the front passenger seat, the Trooper observed that the carpet again was loose against the center console. The Trooper easily pulled the carpet away and observed a clear plastic baggy that weighed approximately 47.67 grams and contained what field-tested positive as methamphetamine.

8. The Trooper placed HERNANDEZ under arrest. During a search of HERNANDEZ incident to arrest, the Trooper found a folding knife tucked into the elastic waist band of the

his athletic pants, a large wad of U.S. currency in his right front pocket, and casino chips worth around \$600.00. The wad of cash equaled \$2596, with \$2000 of that amount in \$100.00 bills.

9. Based on the foregoing, there is probable cause to believe that Tomas Manuel HERNANDEZ unlawfully, knowingly, and intentionally possessed with intent to distribute methamphetamine.

Further your Affiant sayeth not.



Task Force Officer Trygve Sand
Drug Enforcement Administration

SUBSCRIBED and SWORN to Before Me

This 8th day of October, 2013



Jeanne J. Graham
United States Magistrate Judge